

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The Department had been paying the petitioner's and her husband's Medicare premium through Medicaid, but determined that it had erred in making those payments. After discovering its error, the Department determined that petitioner's and her husband's income was above the program maximums for Medicaid payment of any of their Medicare

premiums. The Department sent petitioner a notice on September 15, 2007 terminating her and her husband's eligibility for the Medicare Savings program.

3. Following a continuance requested by the petitioner, a fair hearing was held by phone on January 11, 2008. At that hearing the Department agreed to furnish the petitioner and the Board with a detailed rationale for its decision, with the understanding that the petitioner would have two weeks to file any written response.¹ The Department filed its statement on April 9, 2008. Following a phone message to him left by the petitioner, the Department's attorney provided the petitioner with other materials (i.e., copies of the regulations) on April 15, 2008. To date, the petitioner has not responded to the Department's submissions.

4. In determining the petitioner's eligibility for the Medicare Savings program the Department applied a \$20 disregard leaving countable unearned income of \$1,491 per month, which is in excess of the monthly program maximum of \$1,369 for a household of two persons. The Department also determined that the petitioner was not allowed an allocation or deduction for her daughter because her daughter's income

¹ Benefits have been continuing to the petitioner during the pendency of this fair hearing.

(\$412) exceeded the maximum of \$311 for any such deduction to be allowed. As noted above, the petitioner does not dispute these calculations.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for all or some of a household's Medicare premiums if certain criteria are met. M200.4. For non-working individuals receiving Medicaid, income cannot exceed 120 percent of the federal poverty level, \$1,149 per month, to qualify for any payment. M200.43, P-2420B(2).

The Department correctly calculated the petitioner's countable income during its review of her case and found that the household's countable income exceeded the program maximum. Thus, the Department was correct in terminating payment for the Medicare premium. As a result, the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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